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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,516	06/23/2003	Wolfgang Arndt	BS-7858/LeA 35,251	9735
157	7590	12/06/2005	EXAMINER	
BAYER MATERIAL SCIENCE LLC 100 BAYER ROAD PITTSBURGH, PA 15205			ROSE, HELENE ROBERTA	
			ART UNIT	PAPER NUMBER
			2163	
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/601,516	<b>Applicant(s)</b> ARNDT ET AL.	
	<b>Examiner</b> Helene R. Rose	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Action**

1. Claims 1-12 have been presented for examination.
2. Claims 1-12 have been rejected.

**Claim Objections**

3. Claims 1-10 and 12 are objected to because of the following informalities: Claims 1-10 and 12 has parentheses within the claims. Appropriate correction is to be made.
4. Claims 2-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims should refer to other claims in alternative only, and/or, cannot depend from any multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
5. Claims 2-12 are objected to because of the following informalities: Claims 2-12 is objected to because of the misspelled words such as characterized, organization, and licence. Appropriate correction is required.

**Drawings**

6. The drawings are objected to under 37 CFR 1.83(a) because Figure 7 fails to show diagram 100 as being reference to within Figure 6, as described in the specification shown on page 8, line 24. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawings. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

Art Unit: 2163

must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specifications**

7. The lengthy specification is objected to because it has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The specification is objected to because the specification is not outline properly according to 37 CFR 1.77(B). The specification is missing the following headlines: field of invention, background of the invention, summary of the invention, brief detailed description of the drawings, and detailed description of the embodiment. So, therefore the following guidelines below illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

Art Unit: 2163

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING (S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### **Claim Rejections – 35 USC § 112**

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 8 –11 are rejected under 112, second paragraph. Claims 8 and 10 recites the phrase "such as", which renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 11 and 12 are rejected under 112, second paragraph because it depends from rejected claims 8 and 10.

### **Claim Rejections – 35 USC § 102**

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kauffman (US Publication No. US 2001/0032029).

#### Claim 1:

Regarding claim 1, Kauffman teaches a system for displaying a portfolio (see Figure 1, all features, wherein a portfolio is an layout of an organizational structure, Kauffman) comprising a computer-legible data memory (see Figure 26, all features, and page 38, [0539], Kauffman) with a database system with stored therein basic object (see Figure 2, all features and page 2, [0028], wherein a database is an organized body of related information), each of which is clearly linked to one or more basic data (page 3, [0055], wherein the United Sherpa 100 is the basic object and diagrams 110, 112, and 14 listed within [055] are the basic data Kauffman), where the basic objects are allocated to one or more structural units (page 27, [0390-0391], wherein the basic objects are the resource

Art Unit: 2163

request, Kauffman) in a multidimensional hierarchical model of a company or an institution (page 3, [0061, Kauffman], wherein, and the structural units are stored in a relational database (page 11, [0150], illustrates a relational database structure wherein Figure 8, diagram 800 all features, defines the operation of the structure, Kauffman), and the basic objects allocated to the individual structural units can be displayed with one or more basic data selectively or as a whole (page 3, [0061], wherein part-whole, is a relationship among classes based on a hierarchical relationship in which classes representing components are associated with a class representing an entire assembly, Kauffman).

Claim 2:

Regarding claim 2, Kauffman teaches a system characterized in that one or more users (page 4, [0067], wherein its one user and [0068], wherein its multiple users, Kauffman) are stored in the database system (see Figure 2, page 2, [0028], wherein a database is an organized body of related information), and can each be allocated to one or more of the stored structural units (page 27, [0390-0391], wherein the basic objects are the resource request, Kauffman) and these users can selectively display only the basic objects belonging to the structural units to which these users are allocated (page 4, [0068], Kauffman).

Claim 3:

Regarding claim 3, Kauffman teaches a system characterized in that the basic data are hierarchy dependent and/or hierarchy-independent (see Figure 13a, all features, wherein the basic data are hierarchy dependent and/or hierarchy-independent, also see page 24, [0325], wherein it further describes the automated market 108, Kauffman).

Claim 4:

Regarding claim 4, System according to any of claims 1 to 3, characterized in that at least one basic object is linked to one or more other basic objects (see Figure 1, all features, wherein diagram 100 is linked to one or more basic objects, Kauffman).

Claim 5:

Regarding claim 5, Kauffman teaches a system characterized in that various basic objects are linked to the same hierarchy (page 3, [0055], wherein various objects includes production of goods and services, supply chain management, job shop scheduling, and so forth, Kauffman).

Claim 6:

Regarding claim 6, Kauffman teaches a system characterized in that the basic objects are patent applications/patents, contracts or products (pages 3-4, [0062], wherein the basic objects are engineering dept, engineer component class, manager component class, and so forth, Kauffman).

Claim 7:

Regarding claim 7, Kauffman teaches a system characterized in that the basic objects are patent applications/patents and the basic data are priority dates (page 21, [0287] and page 25, [0357], Kauffman), countries in which applications have been made (page 21, [0280], wherein AM108 allows the negotiation process to be automatic without publicizing the internal state of the participating economic agents, Kauffman) and for these countries the application number and date (page 21, [0282], wherein price is the transportation number, Kauffman), publication number and date (page 21, [0287], wherein



Art Unit: 2163

the highest volume contract is a contract number, Kauffman), granting number and date (page 24, [0341], Kauffman), due date for patent fees (page 24, [0342], Kauffman), durations (page 25, [0345]-[0348], Kauffman), patent expiry dates (page 28, [0393] and [0399], Kauffman), examination request dates (page 24, [0341], Kauffman), information on whether objections or appeals have been submitted (page 25, [0351], Kauffman) , cancellation date (page 28, [0399], Kauffman), applicant and/or inventor (page 25, [0344], wherein a provider can be an applicant and/or inventor, Kauffman)

Claim 8:

Regarding claim 8, Kauffman teaches a system characterized in that the basic objects are patent applications/patents and the basic data contain information on the organization (page 21, [0280], wherein utilities of organization contain basic data) and charging of activities for patent applications/patents within the company or institution (page 5, [0074], wherein enabling of an activity is for a suitable equipped entity, Kauffman), such as decision bodies and their resolutions (page 17, [0232], Kauffman), internal decision dates (page 32, [0452] wherein the time-structured data to obtain directions of influence, Kauffman), products for which inventor royalties are paid (page 27, [0392], Kauffman), accounts for charging of costs (page 28, [0398], wherein charging prices in monopoly situations, Kauffman), competent patent attorney or agent (page 20, [0271], wherein buyers and sellers are competent, Kauffman), and/or status of the entire patent family (in force, expired, lapsed) (page 21, [0284], wherein the economic agent is monitoring the status and page 21, [0290], Kauffman).

Claim 9:

Regarding claim 9, Kauffman teaches a system characterized in that the basic objects are contracts (page 5, [0072], wherein a contract portion exist, Kauffman), and the basic data contain information on the contract type (page 5, [0072], wherein quantity and delivery constraints are included, Kauffman), license type (page 27, [0381], wherein a license resource is a type, Kauffman), contract partner (page 5, [0073], wherein a member can be any number of objects, Kauffman), supplier/client (page 25, [0352], Kauffman), contract start, contract end (page 7, [0103], Kauffman), signature dates (page 31, [0450], wherein binary encoding is a fundamental signature, Kauffman), object of the contract (page 5, [0072], wherein RBConsumer object 406 has a contract portion, Kauffman), contract status (e.g. in force, terminated) (page 21, [0284], wherein status is a state of monitoring and page 21, [0290], Kauffman), contract language (page 24, [0327], wherein language is defined as HTML, Kauffman), countries concerned (page 3, [0056], wherein a country, is a land, or a state, is a geographical area that connotes an independent political entity, with its own government, administration, laws, often a constitution, police, military, tax rules, and population, Kauffman).

Claim 10:

Regarding claim 10, Kauffman teaches a system characterized in that the basic objects are products (page 6, [0092], wherein finished goods and services are the products, Kauffman), and the basic data contain information on the products such as turnover, profit (page 17, [0232], wherein unit cost of production is the total money value of all executed transactions in a given time period, Kauffman).

Claim 11:

Regarding claim 11, Kauffman teaches a system characterized in that the multidimensional (page 21, [0283], hierarchical model reflects a science/technology-based structure (page 37, [0531], Kauffman) and an economics-based structure of the company or institution (page 20, [0274], wherein an automated market 108 is an economy structure, and page 3, [0056], wherein production of goods and services by economic entities acting within an economic environment, Kauffman).

Claim 12:

Regarding claim 12, Kauffman teaches a system characterized in that the computer-legible data memory is located in a central computer which is connected with one or more user terminals (see Figure 26, all features, and page 38, [0539-0540], Kauffman), which each have an input device and a display device to display the selected basic objects (page 27, [0384], Kauffman), so that data can be exchanged electronically between the central computer and the user terminals (page 9, [0119], wherein exchanging the assignment of a pair of jobs to a pair of machines, Kauffman).

**Prior Art Made of Record**

1. Kauffman (US Publication No. 2001/0032029) discloses a system and method for operations management wherein it determines robust processes for performing one or more tasks.
2. Freeman et al (US Publication No. 2001/0029477) disclose a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios.

Art Unit: 2163

3. Kumar et al (US Publication No. 2001/0051907) disclose a portfolio-tracking module having a displayable summary interface provided within a software suite for enabling viewing and manipulation of multiple categories of aggregated data compiled from a plurality of data sources and accessible through a single interfacing node operated on a data-packet-network.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am- 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene R Rose  
Technology Center 2100  
November 28, 2005

